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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,914	10/15/2003	Daniel A. Copeland	P53569US01NJ	6294
23378	7590	07/28/2005	EXAMINER	
BRADLEY ARANT ROSE & WHITE, LLP INTELLECTUAL PROPERTY DEPARTMENT-NWJ 1819 FIFTH AVENUE NORTH BIRMINGHAM, AL 35203-2104			BOCHNA, DAVID	
		ART UNIT		PAPER NUMBER
				3679

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/685,914	COPELAND, DANIEL A.	
	Examiner	Art Unit	
	David E. Bochna	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 July 2005.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 7-9 is/are allowed.

6) Claim(s) 1,3-6,10 and 11 is/are rejected.

7) Claim(s) 2, 12 and 13 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Claim Objections*

1. Claims 6, 10 and 12 are objected to because of the following informalities:

Claim 6, it is unclear where the plurality of density regions are in the gasket.

Claim 10, lines 4-5, it is unclear how the locking segment undergoes a “deformation translation” as the locking segment is a metal and surrounded by a rubber gasket which would deform instead of the metal.

Claim 12, it is unclear what the “at least one tooth is disposed radially inwardly” relative to what other component. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5-6 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Percebois et al.

In regard to claim 1, Percebois et al. discloses (fig. 2) a combination of a restraining gasket 10 together with a gland 11 for use in a stuffing box assembly when connecting a male pipe portion to a female pipe portion, wherein said gland 11 is adapted to be tightenably connected to the female pipe portion 2, and said restraining gasket comprises:

- a) a deformable body 10 having a spigot-facing surface 19a, a radially outward surface 25, a gland-facing surface (end tip of 20B in contact with 11) in communication with said gland, and a
- b) gutter 19B positioned at or radially inward of the radially outward surface 25 a locking member 15 disposed at least partially between the gutter 19B and said gland-facing surface (end of 20B in contact with 11), said member 15 having a tooth portion and an embedded body portion, wherein at least a portion of the tooth portion is positioned to engage the male pipe portion 1.

IN regard to claim 3, the gutter 19B forms portion of the exterior contour of the radially outer surface.

In regard to claim 5, wherein the gutter 19B is a void below the radially outer surface 25.

In regard to claim 6, further comprising a plurality of density regions, wherein said regions are adapted to influence the movement of said locking members.

In regard to claim 10, Percebois et al. discloses a gland 11 in communication with a restraining gasket 10 for use in a stuffing box assembly, wherein the gasket comprises a locking segment 15 and is adapted to change its center of pressure as it deforms in response to tightening of the gland to a bell, in such a manner that during a stage of deformation translation of the locking segment occurs in an axial direction, followed in a later stage of deformation by rotation of the locking member.

In regard to claim 11, wherein the change in center of pressure is influenced by a collapsible void or gutter 19B.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Percebois et al. Percebois et al. discloses a gasket with a distortion control surface leading into the gutter at an angle, but does not disclose that the distortion control surface leads into the gutter at an angle of between 5 and 20 degrees. However, it would have been obvious to make the angle between the control surface and the gutter between 5 and 20 degrees because a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

***Allowable Subject Matter***

6. Claims 7-9 are allowed.

7. Claims 2 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-6 and 10-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David E. Bochna  
Primary Examiner  
Art Unit 3679